

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AYDIN T. ONER,

Plaintiff,

VS.

Case No.: 2:16-cv-00325-GMN-PAL

CREDITORS SPECIALTY SERVICE, *et*

 $al.,$ 

Defendants.

## ORDER

Pending before the Court is the unopposed Motion for Preliminary Injunction (ECF No. 2) filed by *pro se* Plaintiff Aydin T. Oner (“Plaintiff”). For the reasons set forth below, Plaintiff’s Motion is **DENIED**.

## I. BACKGROUND

This case arises from Defendants Creditors Specialty Service, Tim Fuller, and Charles Stanley’s (collectively “Defendants”) alleged violations of the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692 *et seq.*, and the Nevada Deceptive Trade Practices Act pursuant to Nevada Revised Statutes chapter 598. (Am. Compl. at 5–6, ECF No. 5). Specifically, Plaintiff alleges that “Defendants prevailed in a small claims case in the Las Vegas Justice Court, . . . have obtained a writ of execution, and are threatening to garnish [Plaintiff’s] paychecks.” (Mot. Prelim. Inj. at 2, ECF No. 2). In the instant Motion, Plaintiff seeks “an injunction preventing any Defendant or their attorneys or agents from executing any writ of execution or otherwise enforcing any order or judgment of the justice court” for Defendants’ alleged violations of the FDCPA. (*Id.* at 2–3).

## 1 **II. LEGAL STANDARD**

2 Preliminary injunctions and temporary restraining orders are governed by Rule 65  
3 of the Federal Rules of Civil Procedure, which provides that a “court may issue a  
4 preliminary injunction only on notice to the adverse party.” Fed. R. Civ. P. 65(a)(1).

5 “A plaintiff seeking a preliminary injunction must establish that he is likely to  
6 succeed on the merits, that he is likely to suffer irreparable harm in the absence of  
7 preliminary relief, that the balance of equities tips in his favor, and that an injunction is in  
8 the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

9 Injunctive relief is “an extraordinary remedy that may only be awarded upon a clear  
10 showing that the plaintiff is entitled to such relief.” *Id.* at 22. “[C]ourts must balance the  
11 competing claims of injury and must consider the effect on each party of the granting or  
12 withholding of the requested relief.” *Id.* at 24 (internal quotation marks omitted).

13 Irreparable harm cannot be “economic injury alone . . . because such injury can be  
14 remedied by a damage award.” *Rent-A-Center, Inc. v. Canyon Tele. & Appliance Rental,*  
15 *Inc.*, 944 F.2d 597, 603 (9th Cir. 1991). However, the Ninth Circuit has recognized  
16 “intangible injuries” as well. *Id.* (indicating “advertising efforts and goodwill” as such  
17 injuries in a case regarding a non-compete clause of a contract); *see also Regents of Univ.*  
18 *of Cal. V. Am. Broad. Cos.*, 747 F.2d 511, 519–20 (9th Cir. 1984) (noting in an antitrust  
19 case that “ongoing recruitment efforts and goodwill” qualify as irreparable harm).

## 20 **III. DISCUSSION**


21 Having considered Plaintiff’s brief and accompanying exhibit, the Court finds that  
22 Plaintiff has failed to sufficiently establish his claim of irreparable harm. On this point,  
23 Plaintiff alleges that he will be irreparably harmed because Defendants seek to “garnish[  
24 his] paychecks and bank accounts.” (Mot. Prelim. Inj. at 2, ECF No. 2). As discussed  
25 above, however, Plaintiff’s injury “does not support a finding of irreparable harm,

1 because such injury can be remedied by a damage award.” *Rent-A-Center*, 944 F.2d at  
2 603; *see also Sampson v. Murray*, 415 U.S. 61, 90 (1974) (“[T]he temporary loss of  
3 income, ultimately to be recovered, does not usually constitute irreparable injury . . . .  
4 Mere injuries, however substantial, in terms of money, time and energy necessarily  
5 expended . . . are not enough.”). Further, even if Plaintiff were to succeed under the  
6 FDCPA, because it only provides for the award of monetary damages and does not  
7 provide for injunctive relief, Plaintiff would not be entitled to the remedy he seeks. *See*  
8 15 U.S.C. § 1692k. Because Plaintiff has failed to show that such potential injury cannot  
9 be adequately remedied by monetary damages, the Court denies the Motion for  
10 Preliminary Injunction.

11 **IV. CONCLUSION**

12 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Preliminary Injunction  
13 (ECF No. 2) is **DENIED**.

14 **DATED** this 23 day of June, 2016.

15  
16   
17 \_\_\_\_\_  
18 Gloria M. Navarro, Chief Judge  
19 United States District Court  
20  
21  
22  
23  
24  
25